LAND RECORDS & FAMILY HISTORY

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- For family history research, land records are a valuable source of information.
- In the United States, land records are usually the oldest and most complete source of information.
- Land records have existed in the United States since the 1600's.

RECORDINGS LAWS

The first laws and ordinances which required the filing of documents dealing with land were established in Massachusetts in 1640. This law was subsequently amended to become a full fledged recording law. As originally written, it stated:

For avoiding all fraudulent conveyances and everyone shall know what estate or interest other men may have in any howses, land, or other hereditament they are to deal in, it is ordered that after the end of this month no mortgage, bargaine, sale or graunt hereafter to bee made of any howses, lands, rents or hereditament shalbee or force against any other person except the graunter & his heries unless the same bee recorded as is hereafter expressed."[1]

- Land records contain a lot of different types of information.
- The type of land records are fairly consistent throughout the United States.
- To use land records for family history research, it is important to understand:

1. Land Descriptions.
2. Land Records.
3. Laws and Principles of Land Ownership.

LAND DESCRIPTIONS

THE PUBLIC LAND SURVEY SYSTEM OF THE UNITED STATES.

There are two separate and distinct systems of land survey in the United States. (1) Unsystematic: The system of metes and bounds in which each parcel of land is individually described and bounded. This type of system has also been called the "state lands system. (2) Systematic: The system of rectangular surveys under which the land is divided basically into equal-sized townships, sections, and fractions thereof. This system has also been called the "federal lands system".

The irregular system of metes and bounds is used entirely in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Texas, and parts of Ohio. Each parcel of land varies in size, is described independently, and is not tied to any system of base lines.

As the value of land increase, the overlaps and shortages, which were originally of no concern, became a focal point land conveyancing. A new body of law was developed which related to rules of survey, and various legislative acts and commissions were created which tried to alleviate the problems. Even today, the voters in Maine elect "fence viewers" whose duties are to settle disputes over ownership lines. Thomas Jefferson, as early as 1784 proposed the division of all unoccupied land into uniform rectangular units which doubtlessly inspired the establishment of the Rectangular Survey System.

The system of rectangular surveys was inaugurated in the Land Ordinance of 1785 [together with the Northwest Ordinance of 1787, which established governments for the West]. Under this system, the lands are divided into "townships", 6 miles square, which are related to base lines established by the federal government. Guide Meridians at intervals of 24 miles from the principal meridian. Standard Parallels, at 24 miles from the base line. The township is 6 miles square. It is divided into 36 square mile sections of 640 acres each which may be divided and subdivided as desired. The United States Military Tract in central Ohio is subdivided into 5-mile square townships, instead of 6. The Jackson Purchase in western Kentucky was subdivided into townships by a special State survey.

There are 34 Rectangular Surveys which have been established in the continental United States by the Federal Government. The focal point of each survey is an arbitrary spot selected for convenience and accessibility. The coordinate of latitude and longitude at such focal point is determined, and a permanent record is filed with the General Land Office in Washington, D.C. Through this focal point is established a longitude (north-south) line which is called the "*Principal Meridian*". Another line (longitude) running east-west through the focal point is established and is called the *Base Line*.

According to the *Manual of Survey Instruments, 1973*, the law provides that (1) the public lands of the United States shall be divided by lines intersecting true north and south lines at right angles so as to form townships six miles square; (2) the townships shall be marked with progressive numbers from the beginning; (3) the townships shall be subdivided into 36 sections,

[1] Records of Massachusetts 116, adopted October 7, 1640, Colonial Laws 33 (ed 1672), amendeSTAT, 1783, c. 7, §4.

each one mile square and containing 640 acres as nearly as may be; and (4) the sections shall be numbered, respectively, beginning with the number 1 in the northeast section, and proceeding west and east alternately through the township with progressive numbers to and including 36. (R.S. 2395; 43 U.S.C. 751)

A PRINCIPAL MERIDIAN is intended to conform to the true meridian, extending north or south, or in both directions, from the initial point as conditions require.

The BASE LINE is extended east and west from the initial point on a true parallel of latitude.

STANDARD PARALLELS, which are also called correction lines, are extended east and west from the principal meridian, at intervals of 24 miles north and south on the base line, in the manner prescribed for the survey of the base line.

GUIDE MERIDIANS are extended north from the base line, or standard parallels, at intervals of 24 miles east and west from the principle meridian, in the manner prescribed for running the principal meridian.

MERIDIANS OF THE
U.S. RECTANGULAR SURVEY

MERIDIAN	ADOPTED	STATE(S)
Black Hills	1878	South Dakota
Boise	1867	Idaho
Chickasaw	1833	Mississippi
Choctaw	1821	Mississippi
Cimarron	1881	Oklahoma
Copper River	1905	Alaska
Fairbanks	1910	Alaska
Firth Principal	1815	Arkansas
		Iowa
		Minnesota
		Missouri
		North Dakota
		South Dakota
First Principal	1819	Ohio
		Indiana
Fourth Principal	1815	Illinois
Fourth Principal	1831	Minnesota
		Wisconsin
Gila and Salt River	1865	Arizona
Humbolt	1853	California
Huntsville	1807	Alabama
		Mississippi
Indian	1870	Oklahoma
Kateel River	1956	Alaska
Louisiana	1807	Louisiana
Michigan	1815	Michigan
		Ohio
Mount Diablo	1851	California
		Nevada
Navajo	1869	Arizona
New Mexico Principal	1855	Colorado
		New Mexico
Principal	1867	Montana
Salt Lake	1855	Utah
San Bernadino	1852	California
Second Principal	1805	Illinois
		Indiana
Seward	1911	Alaska
Sixth Principal	1855	Colorado
		Kansas
		Nebraska
		South Dakota
		Wyoming
St. Helena	1819	Louisiana
St. Stephens	1805	Alabama
		Mississippi
Tallahassee	1824	Florida
		Alabama
Third Principal	1805	Illinois
Uintah	1876	Utah
Umiat	1956	Alaska
Ute	1880	Colorado
Washington	1803	Mississippi
Willamette	1851	Oregon
		Washington
Wind River	1875	Wyoming

TOWNSHIPS

Each township is subdivided into 36 - one square mile sections. The pattern established for number of the one square mile section within the township is a serpentine pattern, beginning in the upper Northeast corner of the township with section 1, and running West to section 6, and then drops down for section 7, and then East to section 12. This pattern continues for the full section.

It must be noted that with the each township abuts another one on all four sides. There may be property that straddles or cross a township line.

Once each section is established, it can then be subdivided down into various portions base on a quartering or halving format

The sections bordering the north and west boundary of a normal township, except Section 6, are further subdivided by protraction into parts containing two regular half quarter sections and four lots. Section 6 has lots protracted against both the north and west boundaries, and so contains two regular half quarter sections, one quarter-quarter section, one quarter, and seven lots.

Units of Measurements

LINEAR:

Linear is the type of measurement along a line. It can be a measurement along a straight, or curved line and is the most commonly used type of measurement. The linear measurements are:

The FOOT. In Modern surveys, this is the most common and basic unit of measurement. All distances, whether along a straight line or a curve, are expressed in feet and decimal feet. The decimal is usually only carried to two places. An occasional survey and/or legal description will carry dimensions to three places, e.g., 381.562 feet, but the third place will be a calculated, not a measurable distance. Inasmuch as 0.001 foot is just slightly less than 1/65th of an inch.

The ROD. This is an old English unit of measurement and is possibly the most used unit in old legal descriptions. A rod is equal to 16.5 feet, and is

sometimes referred to as a rood, pole, or perch.

Every school child learns the old measurement stories, that an inch was the width of six average grains of barley, that a yard was the distance from the nose to the end of the thumb of King Henry I of England, and that a mile was 1,000 paces of a Roman legion.

"The necessity of standardizing the length of a rood was soon recognized, and in his book on surveying (1570) Koebel gives the following method: 'A rood should be the right and lawful way, and in accordance with scientific usage, be made thus: sixteen men, short and tall, one after the other, as they come out of church should place each a shoe in one line; and if you take a length of exactly 16 of these shoes, the length shall be a truer rood.'"

The FURLONG is occasionally, but rarely, found in old instruments. For this reason, it will be mentioned. The Oxford Dictionary defines a furlong as:

"Originally, the length of the furrow in the common field, which was theoretically regarded as a square containing ten acres. As a lineal measurement, the furlong varied according to the extent assigned at various times and places to the Acre, but was usually understood to be equal to 40 poles (rods, perches). As early as the 9th century, it was regarded as the equivalent of the Roman stadium which was 1/8 of a Roman mile; and hence furlong has always been used as a name for the eighth part of an English mile, ..."

The CHAIN. The seventeenth century English mathematician and astronomer, Edmund Gunter, developed a wire link chain measurement. This chain was four rods or 66 feet long, and just as the length of a human foot became a measurement of that name, so the name of the 66 foot length of Gunter's chain became a "chain". The chain was made up of 100 links, so in the same way a "link" became the name of one-hundredth (decimal) of a chain, 0.66 feet or 7.92 inches.

The MILE. this is the statute mile of 5280 feet as distinguished from the nautical mile of slightly over 6000 feet. It is rarely found in legal descriptions since most lengths are of a much shorter distance.

The TOISE and ARPENT. These are old French units that are not generally used in Western states. They are sometimes found in old deeds for property located within the Louisiana Purchase. The toise was a linear measurement of about 6.4 feet. The arpent was originally an area unit, but eventually the length of the side of a square having an area of one arpent became a linear unit. The old other foreign unit, the Spanish VARA, is about 33.13 inches. It is found in old instruments in the former Spanish and Mexican areas that are now Florida, Texas, the Southwest, and California.

METRIC Certainly there is not immediately prospect of the metric system being generally adopted for survey work and land descriptions. To two decimal places: 1 meter = 39.37 inches, and 1 kilometer = 0.62 miles.

AREA

The ACRE is the basic unit "originally as much as a yoke of oxen could plow in one day" (Oxford English Dictionary)

"The area of an acre of land was established in England by an act of the Star Chamber in the 12th year of the reign of Henry VII, which 'setteth down that an acre should by XL pole in length and IV pole in breadth.' This was followed by an Act of Queen Elizabeth: 'Commons or waste grounds lying within 3 miles of London shall not be enclosed. A mile shall contain 8 furlongs, every furlong 40 poles, and every pole shall contain 16 foot and a half.'"

therefore 1 acre = 10 square chains
= 160 square rods
= 43,560 square feet.

approximately 208.71' x 208.71'

DIRECTION

STRAIGHT LINES: In a legal description, a specific course, or straight line segment is described as a Bearing. This form of measure is done in a quadrant system. It is measure from 0 to 90 degrees, where North and South are 0, with East and West being 90.

To understand how to read a "bearing", cover the degrees, minutes, and seconds (the numbers) and read the quadrant directions on which to travel. Then recognize that all degrees are measured from either North (0/) or South (0/) toward East (90/) or West (90/). Bearings in modern descriptions are always read in degrees and minutes (plus seconds if fractions of a minute are involved) from the *north* point or from the *south* point, *never* from the east or west point. The directions of a line depends upon which end of the land you are standing.

UNDERSTANDING THE LEGAL DESCRIPTION

A legal description is a sufficient "paragraph" from which the subject property can be identified. This paragraph can take on different shapes and formats. The same property can also be described many, many different ways. However, there are legal descriptions which are not understandable from the face of the document. The follow legal description is an example of problems which may occur in understanding and locating the property.

Beginning at a point where the Section line between said Sections One & Twelve (in Township 1 North, Range 1 West, Salt Lake Meridian, U.S. Survey) crosses the Easterly side of the road passing the Hot Springs and leading from Salt Lake City to Sessions, Centerville & Farmington; and running thence with said Section line on the North side thereof East to the North East corner of White's Slaughter House premises; thence a little South of East, up the gulch along near to

the line of the Water pipes on the parties of the first part, to their South Tunnel; thence in a Northerly direction around a sandy point to the line of the gulch on which are situated two reservoirs; thence up said gulch passing near the North Tunnel on the North side thereof to the West line of Section seven in the Township aforesaid Range one North one East, to the West line of the land of the party of the second part.[2]

LAND RECORDS

As each areas was settled, one of the first governments offices was that involved with land records. This office may be called the (i) clerk, (ii) recorder, or (iii) land office. Most land records in the United States are maintain on the county level. However, there are some federal, state, and city records which may concern land.

All land in the systematic system originates with the federal government. Therefore, when are area is originally developed, the first conveyance, known as a "patent", is received from the federal government. To obtain a patent, certain application and certificate forms are required. These applications and certificates may contain a lot of additional information. This additional information may include birth information, marriage information, and family information.

For military service, soldiers would often receive a warrant for there service. This warrant could be exchanged for land as its became available. These warrants can contain information about military service and may also contain information when the warrant was surrendered for land.

Except for Utah and Mississippi, county records concerning land are indexed by name. In these other two states, land documents are also indexed in a geographical (location) index. The name indexes may vary slightly, but usually contain:

1. Grantor / Grantee Index (seller - buyer)
2. Mortgagor Index (borrowing)
3. Maps

These name indexes are usually "double alphabetized, meaning index by the first two letters of the name, rather than just by the first.

LAWS & LEGAL PRINCIPLES

As land records are maintained by government officials, these records are subject to the current laws that existed at that time. It is important to understand the type of documents used in the area, the principles required for probate (death or adoption), and the basis of the transaction.

When working is a specific area, it may help to review the history of land development, and what laws may have existed at the time of your research. Most of this information is available through public library, and historical societies.

INTERNET SITES:

There are many Internet sites which can explain land records, together with their use and organizations. These site can assist anyone who is interested in land records to use them for family history research.

UNDERSTANDING LAND RECORDS
www.ultranet.com/~deeds/landref.htm

HISTORICAL MAPS OF THE UNITED STATES / The Perry-Castañeda Library Map Collection / The University of Texas at Austin
www.lib.utexas.edu/Libs/PCL/Map_collection/histus.html

RETRACING THE TRAILS OF YOUR ANCESTORS USING DEED RECORDS by William Dollarhide From the GENEALOGY BULLETIN, Issue No. 25, Jan-Feb 1995
http://www.ultranet.com/~deeds/deeds.htm

INTERNATIONAL INTERNET GENEALOGICAL SOCIETY UNIVERSITY
http://users.arn.net/~billco/uslpr.htm

CYNDI HOWEL'S LAND RECORDS
http://www.cyndislist.com/land.htm

TITLE WEB ATLAS
http://www.titleweb.com/property.html

GEOGRAPHIC NAMES INFORMATION SYSTEM
http://mapping.usgs.gov/www/gnis/gnisform.html

[2] DEED, dated 11-15-1884, between Samuel Cooper and William Cooper to Robert N. Bakin, recorded 05-18-1885, as Entry No. 3386 in Book "I" of Deeds at Page 134 of Davis County Records